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VIA ECF

United States District Court
Eastern District of New York
Attn: Hon. Nusrat J. Choudhury, U.S.D.J.
100 Federal Plaza, Courtroom 1040
Central Islip, New York 11722

Re: Bullion Shark, LLC v. Flip a Coin Bullion LLC, et al.
Case No.: 2:23-cv-6529 (NJC) (ARL)

Dear Judge Choudhury:

This firm represents Plaintiff, Bullion Shark, LLC (“Plaintiff” or “Bullion Shark”), in the above-referenced case. Plaintiff submits this letter response in opposition to Defendants’ second motion to adjourn the virtual hearing scheduled today at 4:00 PM. While Defendant Joseph Forman (“Joseph”) may be justifiably excused, the remaining three (3) Defendants should not be.

Plaintiff remains prepared to address the defenses raised by Defendants in their opposition papers at the hearing today – whether Defendants choose to appear or not – and again vehemently objects to any continuance whatsoever based on the nature of this emergency application. This Court has already accommodated the Defendants by permitting the hearing to proceed with Defendants appearing virtually through Zoom. Defendants’ eleventh-hour request three (3) hours prior to the hearing (despite the admission that Joseph was admitted to the hospital *yesterday*) screams of delay tactics designed to avoid justice despite Defendants’ being placed on notice of this case since August 31, 2023. It also shows their ability to take an arm after being given a hand.

To the extent that this Court is inclined to grant Defendants’ request to adjourn the conference, Plaintiff respectfully reiterates its request that a temporary restraining Order be issued, as requested, until such time that Defendants appear by counsel, as required, and a hearing is conducted, which should be conducted in person. Indeed, if the Defendants must each attend to Joseph such that they cannot appear at this hearing, then they should not have any time to continue conducting business built on the stolen trade secrets from Bullion Shark.

Plaintiff thanks this Court for its time and attention to this case, and wishes Joseph well.

Dated: Lake Success, New York
November 21, 2023

Respectfully submitted,

/s/
Kyle F. Monaghan, Esq.

cc: Defendants – via email only.